

RECEIPT NUMBER
200516661

ORIGINAL

7

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGANPAUL LEE SCHRADER,
and his wife, JOANN SCHRADER,

)

Plaintiffs,

)

vs.

)

MALLINCKRODT BAKER, INC.,

)

Serve Managing Agent: By Registered Mail

)

222 Red School Lane
Phillipsburg, NJ 08865

)

and

)

FISHER SCIENTIFIC INTERNATIONAL, INC.,

)

Serve Registered Agent: By Registered Mail

)

CT Corporation System
9 Capitol Street
Concord, NH 03301

)

Defendants.

)

JUDGE : Tarnow, Arthur J.
DECK : S. Division Civil Deck
DATE : 07/19/2004 @ 14:44:15
CASE NUMBER : 2:04CV72679
CMP SCHRADER ET AL V.
MALLINCKRODT BAKER INC ET AL
(DA)

MAGISTRATE JUDGE MONA K. MAJZOWIEC

JURY TRIAL DEMANDED
U.S. DIST. CLERK
DETROIT-PSC
JUL 19 P 2:50
04
FILED
11/19/2004
CLERK
DETROIT-PSCCOMPLAINT

COMES NOW Plaintiff Paul Lee Schrader and his wife, JoAnn Schrader, by and through their attorneys, and for their cause of action against Defendants Mallinckrodt Baker, Inc. and Fisher Scientific International, Inc., state as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. That Plaintiff Paul Lee Schrader (hereinafter "Plaintiff") and his wife JoAnn Schrader are residents of the State of Michigan.
2. That Defendant Mallinckrodt Baker, Inc. is a New Jersey Corporation in good

standing.

3. That Defendant Fisher Scientific International, Inc. is a Delaware Corporation in good standing.

4. That Defendant Mallinckrodt Baker, Inc. and Defendant Fisher Scientific International, Inc. are hereinafter referred to collectively as "Defendants".

5. That from approximately 1974 through 1979, while working as a laboratory technician for the Pennwalt Corporation, Plaintiff was exposed to benzene marketed and sold by Defendants.

6. That as a direct and proximate result of Plaintiff's exposure to benzene, he developed acute myelogenous leukemia.

COUNT I - STRICT LIABILITY/PRODUCT DEFECT

7. That Plaintiff alleges and incorporates herein each and every allegation set forth in paragraphs 1 through 6.

8.. That Defendants sold the benzene in the course of Defendants' business.

9. That the benzene was in a defective condition unreasonably dangerous when put to a reasonably anticipated use.

10. That the benzene was used in a manner reasonably anticipated.

11. That as a direct and proximate result of the condition as existed when the benzene was sold, Plaintiff sustained damages, to wit: he developed acute myelogenous leukemia, and severe and permanent disability therefrom; he has incurred medical bills, and will continue to incur medical bills in the future; he has lost wages, and will continue to lose wages in the future; he has suffered pain, and will continue to suffer pain in the future; he has suffered in his ability to

work, labor, and enjoy the ordinary pursuits of life.

12. That as a direct and proximate result of the defective condition as existed when the benzene was sold, and the injuries and damages suffered by Plaintiff, JoAnn Schrader has suffered and will continue to suffer the loss of the society, consortium, companionship, love, affection, support, and care of her husband.

WHEREFORE, Plaintiff Paul Lee Schrader and JoAnn Schrader, pray judgment against Defendants Mallinckrodt Baker, Inc. and Fisher Scientific International, Inc., in an amount in excess of \$75,000 (Seventy-Five Thousand Dollars), together with their costs herein expended, and any further relief this Court deems just and proper.

COUNT II - NEGLIGENT FAILURE TO WARN

13. That Plaintiff alleges and incorporates herein each and every allegation set forth in paragraphs 1 through 6.

14. That Defendants marketed and sold the benzene.

15. That Defendants failed to use ordinary care to adequately warn of the risk of harm associated with exposure to benzene.

16. That as a direct and proximate result of this carelessness and negligence of Defendants, Plaintiff sustained damages, to wit: he developed acute myelogenous leukemia, and severe and permanent disability therefrom; he has incurred medical bills, and will continue to incur medical bills in the future; he has lost wages, and will continue to lose wages in the future; he has suffered pain, and will continue to suffer pain in the future; he has suffered in his ability to work, labor, and enjoy the ordinary pursuits of life.

17. That as a direct and proximate result of the carelessness and negligence of

Defendants, and the injuries and damages suffered by Plaintiff, JoAnn Schrader has suffered and will continue to suffer the loss of the society, consortium, companionship, love, affection, support, and care of her husband.

WHEREFORE, Plaintiff Paul Lee Schrader and JoAnn Schrader, pray judgment against Defendants Mallinckrodt Baker, Inc. and Fisher Scientific, Inc., in an amount in excess of \$75,000 (Seventy-Five Thousand Dollars), together with their costs herein expended, and any further relief this Court deems just and proper.

COUNT III - STRICT LIABILITY/FAILURE TO WARN

18. That Plaintiff alleges and incorporates herein each and every allegation set forth in paragraphs 1 through 6.

19. That Defendants sold the benzene in the course of Defendants' business.

20. That the benzene was then unreasonably dangerous when put to a reasonably anticipated use without knowledge of its characteristics.

21. That Defendants did not give adequate warning of the danger associated with exposure to benzene.

22. That the benzene was used in a manner reasonably anticipated.

23. That as a direct and proximate result of the condition as existed when the benzene was sold, Plaintiff sustained damages, to wit: he developed acute myelogenous leukemia, and severe and permanent disability therefrom; he has incurred medical bills, and will continue to incur medical bills in the future; he has lost wages, and will continue to lose wages in the future; he has suffered pain, and will continue to suffer pain in the future; he has suffered in his ability to work, labor, and enjoy the ordinary pursuits of life.

24. That as a direct and proximate result of the defective condition as existed when the benzene was sold, and the injuries and damages suffered by Plaintiff, JoAnn Schrader has suffered and will continue to suffer the loss of the society, consortium, companionship, love, affection, support, and care of her husband.

WHEREFORE, Plaintiff Paul Lee Schrader and JoAnn Schrader, pray judgment against Defendants Mallinckrodt Baker, Inc. and Fisher Scientific International, Inc., in an amount in excess of \$75,000 (Seventy-Five Thousand Dollars), together with costs herein expended, and any further relief this Court deems just and proper.

HOLLORAN STEWART & SCHWARTZ, P.C.



Thomas E. Schwartz
1010 Market St., Suite 1650
St. Louis, Missouri 63101
(314) 621-2121
(314) 621-8512 Facsimile
ATTORNEYS FOR PLAINTIFFS

ANSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

If yes, give the following information:

Court: U.S. District Court Eastern District of Missouri

Case No.: Judge Stephen N. LImbaugh

Judge: _____

Yes voluntary/Without prejudice
 No

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Yes
 No

Notes :
